

BUSINESS NO TRESSPASSING AND LOITERING ORDINANCE

City Ordinance Sec. 38-2

“Ordinance 88” as it was initially known as, was established to assist businesses to curtailing congregating and loitering in business parking lots, especially after hours. In order for police to enforce this ordinance in a business lot a business is required to sign a form giving police “authority to arrest” and enforce this ordinance.

THE ORDINANCE STATES AS FOLLOWS:

Use of business parking lots restricted. No person shall drive any motor vehicle across, through, or into and out of any business parking lot in the city except for the purpose of:

- (1) Parking prior to transacting business at a place of business, attending church services, attending lodge or club activity, attending a promotional event, fair, or parade, shopping, or patronizing a facility open to the public, adjacent to or in the immediate vicinity of a business parking lot;

- (2) Leaving after parking;

- (3) Leaving a passenger;

- (4) Picking up a passenger; or

- (5) Parking while employed at a business in the immediate vicinity.

Congregating. Except for the permitted purposes stated in subsection (c) of this section, no person shall linger, remain, sit, or stand in any business parking lot or private business premises, or sit in or on a motor vehicle in any business parking lot or private business premises, when prohibited by the owner of a business parking lot or private business premises as expressed by a sign or signs posted on the premises pursuant to subsection (f) of this section, nor shall any person remain in a business parking lot or private business premises after being ordered to leave the parking lot by the owner or by an agent of the owner authorized as such as provided in the definition set forth in subsection (a) of this section.

Trespassing after hours. No person shall enter by any means or stay on any business parking lot or private business premises at any time if staying on or entering the lot or private business premises is prohibited by the owner, as shown by a sign posted on the premises pursuant to subsection (f) of this section.

Signs prohibiting trespassing and congregating. The prohibitions set out in subsections (c) through (e) of this section shall be in effect at any business parking lot or private business premises where the owner has posted a sign or signs on the premises as provided in this section.

- (1) With reference to subsections (c) and (d) of this section, each sign shall contain substantially the following language:

**NO CONGREGATING OR CRUISING
VIOLATORS WILL BE PROSECUTED**

- (2) With reference to subsection (e) of this section, each sign shall contain substantially the following language:

**NO PARKING OR TRESPASSING BETWEEN
_____ P.M. AND _____ A.M.
VIOLATORS WILL BE PROSECUTED**

Exceptions. The following uses of a business parking lot or private business premises shall not be in violation of this section:

- (1) Entrance by the owner, occupant, or the employees and agents of the owner or occupant.
- (2) Entrance by customers, patrons, suppliers, and other persons having lawful business at the business premises or other facility served by the business parking lot during normal business hours, or when the business or facility is otherwise open to the public.
- (3) Temporary entrance in an emergency.
- (4) Entrance by police officers and city officials in course of duty.